

Internal Pre-Decisional Review  
Administrative Draft EIS  
Village of Wolf Creek Access Project  
Attorney/Client privileged

Date: June 20, 2012  
Reviewer and Title: Barry G. Wiley (BGW) Forest Fisheries Biologist  
Staff/Office: Rio Grande National Forest Supervisors Office

General Comments:

Assigned to <sup>1</sup>	Commenter Initials	Page, Para	Issue or Problem	Commenter Suggested Solution	RESOLUTION COMPLETED BY SNE
	BGW	(b)(5), Deliberative Process Privilege	(b)(5), Deliberative Process Privilege		
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File Code: 6270-1

FOIA #13-0040-R

Date: October 12, 2012

Jim Milstein

(b)(6)

Dear Mr. Milstein:

This is our final response to your Freedom of Information Act (FOIA) request originally provided to Tom Malecek on September 12, 2012 and updated October 7, 2012. You requested:

- “...all paperwork pertaining to the current appraisal of the Federal and non-Federal properties which are being proposed for an exchange on Wolf Creek Pass. The exchange is proposed by Red McCombs for his hoped-for Village at Wolf Creek.”

The requested record consists of three appraisals contained within two separate reports. Within the agency's files, copies of the technical appraisal review are bound with the two reports. Forest Service policy allows us to release appraisal information once the draft Environmental Impact Statement is released for public comment identifying a preferred alternative and the appraisal reports have been reviewed and approved for agency use.

In response to your request, we are providing the three appraisals prepared by Kevin A. Chandler, MAI as well as the review of the appraisals prepared by Tate W. Curtis, RPRA. The review reports document approval of the appraisals for Forest Service use in decision making regarding the proposed land exchange.

Report	Size (acres)	Effective Date	Preparer
Non-Federal Parcel Appraisal	177.6	February 22, 2012	Kevin A. Chandler, MAI
Technical Review – Non Federal Parcel & Federal Parcels	all	March 23, 2012	Tate W. Curtis, RPRA
Federal Parcel with Area B Appraisal	204.4	February 22, 2012	Kevin A. Chandler, MAI
Federal Parcel without Area B Appraisal	182.5	February 22, 2012	Kevin A. Chandler, MAI
Technical Review – Non Federal Parcel & Federal Parcels	all	March 23, 2012	Tate W. Curtis, RPRA

The requested records are being released to you in their entirety. We feel this fully satisfies your FOIA request.

Please note that appraisal reports and appraisal review reports are not part of the NEPA analysis. The appraisal is approved in a totally separate process and by an agency official whose decisions are not subject to appeal. This places these documents in a different category from the documents supporting a NEPA document. Rather than posting them to the Agency's web site, they are provided to interested parties through FOIA procedures.



These documents are provided to you as an individual member of the public. You have indicated within your email request that it is your intention to post the appraisals on the World Wide Web. I caution your use of these documents. Item 6 of the Assumptions and Limiting Conditions in the appraisals states:

Possession of this report or any copy does not carry with it the right of publication, nor may it be used for any other purpose than the stated intended use. I acknowledge that all appraisal reports submitted to the Forest Service for review become the property of the United States of America, and may be used for any legal and proper purpose.

Similarly, the review reports incorporate, by reference, all assumptions and limiting conditions of the appraisal reports. The practice within the Forest Service is to provide copies of these appraisals and review report documents to FOIA requesters, but not to publish them on the internet.

If interested individuals request from you a copy of the enclosed documents associated with your FOIA request, please refer them to the Forest Service so we may track the volume of interest in the documents through our FOIA process.

Please be aware that when appraisal reports are released under the authority of the FOIA, the author of the released report receives a copy of the request for release and a copy of the release transmittal letter. If you have questions concerning this letter and its content, you may contact Tate Curtis, Regional Appraiser, at 970-874-6607.

Sincerely,

*/s/ Thomas W. McClure,*  
THOMAS W. McCLURE  
Acting Director, Physical Resources

Enclosure

cc: Marge Gallegos, Tate Curtis, Steven Rinella, Harold D Dyer, Sherri L Delozier-Trujillo  
Thomas Malecek



**From:** [Blakeman, Mike -FS](#)  
**To:** [Blackwolf, Guy E -FS](#)  
**Subject:** FW: Reply: Considering NFS policy. . .  
**Date:** Friday, March 14, 2014 9:20:36 AM

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Also in my deleted files. This is the last one of an exchange with Peter Miesler, so all the parts are in this one.

Mike Blakeman  
Public Affairs Specialist  
SLV Public Lands Center  
719-852-6212  
719-850-2360 cell

-----Original Message-----

From: Blakeman, Mike -FS  
Sent: Thursday, March 15, 2012 11:44 AM  
To: 'pm'  
Subject: RE: Reply: Considering NFS policy. . .

Peter,

I copied this out of the email I sent you on Tuesday. Apparently it got lost. Our email was all messed up on Tuesday - some emails made it out and some didn't.

Thanks Peter. A reminder that the Forest Service is part of the Department of Agriculture, not the Department of Interior. You got my title correct, but later call me Ranger Blakeman. I guess in the eyes of the public, all FS employees are rangers, but really only our district rangers are really rangers, such as Ranger Malecek. Lastly, an important point, following the release of the draft EIS, we will have an official comment period, but we are always open to receiving comments at the link you provided. Thanks for including it.

Your request for more written records on the original land exchange needs to come to us as a Freedom of Information Act (FOIA) request. I believe it is all public info, but we are required to process those requests as FOIA requests. All you need to do is send an email or letter citing FOIA ("Under the Freedom of Information Act I would like to request...") and then spell out as specifically as possible what you want. You want to be specific, because once a request reaches a certain amount of work for our folks, we charge for the info to cover our costs unless you qualify for one of the exemptions (I think we start charging after about 100 pages of copying and 2 hours of searching for info). You would need to discuss how the exemptions work with our FOIA coordinator. You can send your request to me and I will get it to the correct person - our FOIA coordinator is transferring to another forest soon, so the sooner you send in the request the better.

-----Original Message-----

From: pm [<mailto:citizenschallenge@gmail.com>]  
Sent: Thursday, March 15, 2012 11:24 AM  
To: Blakeman, Mike -FS  
Subject: Re: Reply: Considering NFS policy. . .

"Peter, I sent you an email about this, but we were having some email difficulties nation-wide yesterday, so maybe it got lost in cyberspace.

I can't find the VWC timeline I spoke of, but that wouldn't have shed much light on what you are seeking. You will need to send us a Freedom of Information Act (FOIA) request, if you want us to search for and make copies of the 1987 land exchange info. My previous email told you how to do this, so let me know if you didn't get it and I'll send those instructions again. - Mike"

~ ~ ~ ~ ~

Mike,

I've just been going through my emails, and can't one that answers the above description - if you have it in your sent mail list could you forward me another copy.

Thank you for your time and interest,  
Peter Miesler

On 3/14/12, Blakeman, Mike -FS <mblakeman@fs.fed.us> wrote:

> Peter, I sent you an email about this, but we were having some email  
> difficulties nation-wide yesterday, so maybe it got lost in cyberspace.  
> I can't find the VWC timeline I spoke of, but that wouldn't have shed  
> much light on what you are seeking. You will need to send us a  
> Freedom of Information Act (FOIA) request, if you want us to search  
> for and make copies of the 1987 land exchange info. My previous email  
> told you how to do this, so let me know if you didn't get it and I'll send those instructions again.  
> - Mike

>

> -----Original Message-----

> From: pm [<mailto:citizenschallenge@gmail.com>]

> Sent: Wednesday, March 14, 2012 12:57 PM

> To: Blakeman, Mike -FS

> Subject: Re: Reply: Considering NFS policy. . .

>

> Mike,

> Thank you for the email it's good to know.

>

> Though I'm still hoping you might be able to give me a hint where I

> would have to look to find some of the documents from the 1986 LMJV

> Alberta Park acquisition. Since all I continue to come up with is more recent.

>

> Any help you can offer will be appreciated.

>

> Peter

> (b)(6)

>

>

>

> On 3/14/12, Blakeman, Mike -FS <mblakeman@fs.fed.us> wrote:

>> Thanks. It worked either way, they are used to having their names

>> attached to projects. It would be an issue, in my mind, if you were

>> personally attacking them (although you can always question their

>> decisions, of course), which you aren't.

>>

>> -----Original Message-----

>> From: pm [<mailto:citizenschallenge@gmail.com>]

>> Sent: Wednesday, March 14, 2012 11:14 AM

>> To: Blakeman, Mike -FS

>> Cc: Dallas, Dan -FS; Malecek, Thomas -FS

>> Subject: Re: Reply: Considering NFS policy. . .

>>

>> Mike,

>> In light of some of your comments, re personal safety etc. I reread

>> my piece and decided to alter the paragraph where I included Dan and

>> Tom's names.

>> It's been reduced to a simple:

>>

>> "Rio Grand National Forest draft EIS comments will be processed

>> through: comments-rocky-mountain-río-grande@fs.fed.us "

>>

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# USDA Forest Service Rocky Mountain Region Briefing Paper

Date: August 14, 2012

## Topic: Proposed Village at Wolf Creek Access Project

**Issue:** The proposed Village at Wolf Creek and the environmental impacts associated with its creation, including:

- Proposed community sandwiched between arms of the Weminuche Wilderness
- Located at the headwaters of the South Fork of the Rio Grande
- Within critical lynx habitat
- In one of the highest snowfall area of Colorado

**Background:** In 1986, Decision Notice signed (by Regional Forester Torrence) for the Environmental Assessment of the Proposed Wolf Creek Land Exchange, allowed the conveyance of 300 acres of National Forest System (NFS) land within the Wolf Creek Ski Area (WCSA) permit boundary to the Leavell-McCombs Joint Venture (LMJV) in exchange for 1,631 acres of non-federal lands located within the Saguache Ranger District.

In 2004, the Forest Service initiated an environmental impact statement (EIS) in response to a request for legal access to the property, under the Alaska National Interests Lands Conservation Act (ANILCA), in order to allow the private landowners the ability to begin development of the Village at Wolf Creek. In March, 2006 a record of decision (ROD) was signed, approving transportation and utility corridors across NFS land.

In February 2008, as part of a settlement agreement, the ROD was withdrawn.

In September 2008, the Forest Service initiated a new EIS after receiving a new application for permanent road access from LMJV. In November 2008, the project was place on indefinite hold pending new information and potentially a new application.

## Key Points:

1. The project was initiated with a land exchange in the mid80's and this is the third attempt at an EIS since 2004.
2. This third attempt is a land exchange proposal, which Rep. John Salazar encouraged. The proponent has complicated the EIS by insisting on an ANILCA alternative.
3. RGNF and RO employees are currently reviewing the contracted work. The preferred Alternative is likely to be Alternative 2 – the land exchange.
4. We currently are at a critical juncture with the proponent and FWS over consultation

(b)(5),Deliberative Process Privilege

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(b)(5),Attorney-Client Privilege

A meeting with both agencies and the proponents, and



each party's attorneys is planned in early July. The proponent plans to discuss the issue with Undersecretary Sherman prior to that meeting.

5. The Village at Wolf Creek, if initiated, would be one of the highest elevation resort towns (or town of any sort) in North America.

**Other Considerations:**

- (b)(5), Deliberative Process Privilege
- 
- 
- Phased development staged with future ski area development.
- Polarized public opinion and strong organized opposition by environmental groups.

**Contact:** Tom Malecek, District Ranger, Divide Ranger District, (719) 657-6007

# **Proposed Village at Wolf Creek Access**

United States Forest Service

August 14, 2012

Tom Malecek, District Ranger, Project Lead

## Village at Wolf Creek Access Issue

Highly controversial development adjacent to the Wolf Creek Ski Area

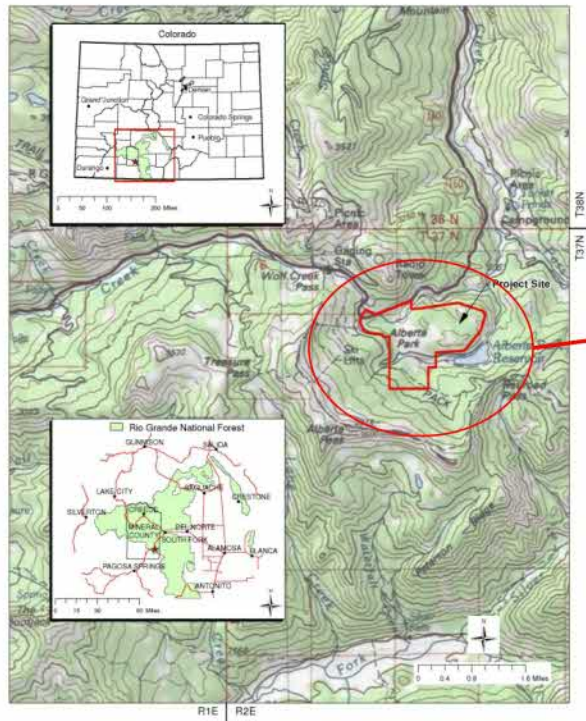


Figure 1.2-1: Vicinity Map



Figure 2.2-1: Alternative 1. No Action Alternative

- Legend
- Private Land Parcel
  - Ski Area Property
  - Tranquility Road
  - Forest Service Road 391
  - Ski Area Special Use Permit Boundary
  - Existing Alberta Ski Lift



## ***Village at Wolf Creek Background***

- 1986 Decision Notice on Wolf Creek Land Exchange
- 2006 ROD on analysis for ANILCA access to the proposed Village at Wolf Creek
  - Following litigation on the ROD, withdrawn as part of a settlement agreement in 2008
- 2008 second attempt at an EIS for ANILCA access.
  - November 2008, project on indefinite hold
- 2009 received a proposal for a land exchange from LMJV
  - 2010 completed a Feasibility Analysis and an Agreement to Initiate



## Key Points

- The project was initiated with a land exchange in the mid 80's. This is the 3<sup>rd</sup> attempt at an EIS since 2004.

(b)(5), Deliberative Process Privilege

- 

- Currently reviewing the 3<sup>rd</sup> party contractor's DEIS

(b)(5), Deliberative Process Privilege

- 

- The Village at Wolf Creek would be the highest resort in the nation.

# Alternative 1

- No Action



## Legend

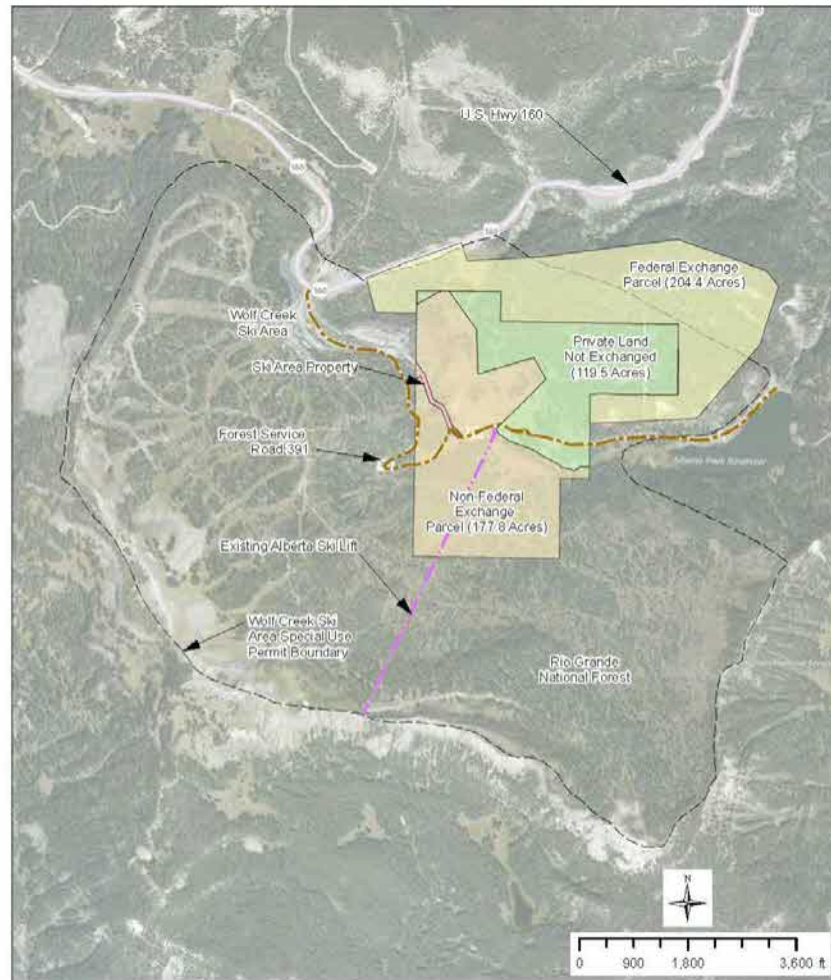
- Private Land Parcel
- Ski Area Property
- Tranquility Road
- Forest Service Road 391
- Ski Area Special Use Permit Boundary
- Existing Alberta Ski Lift

Figure 2.2-1. Alternative 1. No Action Alternative



# Alternative 2

(b)(5), Deliberative Process Privilege



## Legend

- Non-Federal Exchange Parcel
- Federal Exchange Parcel
- Private Parcel Not Exchanged
- Ski Area Property (Not Included in the Exchange)
- Forest Service Road 391
- Ski Area Special Use Permit Boundary
- Existing Alberta Ski Lift

Figure 2.2-2 Alternative 2.  
Land Exchange (Proposed Action)





# Alternative 2

- (b)(5), Deliberative Process Privilege
– Would include analysis for minimum to maximum development scenarios

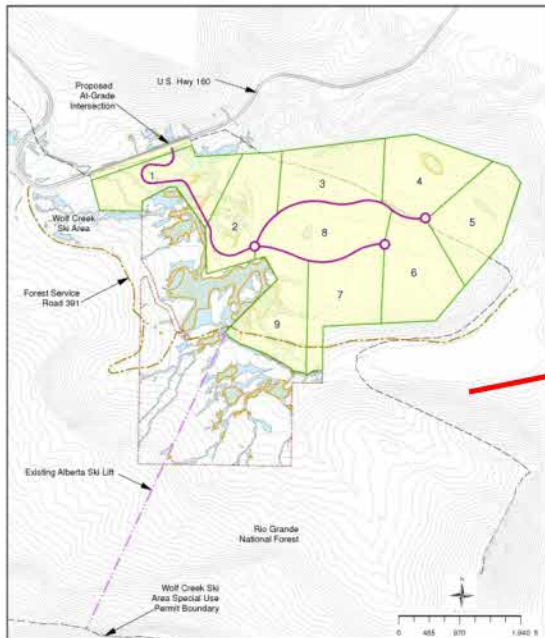


Figure 2.4-1 Alternative 2, Land Exchange Low Density Development Concept

Legend

- Non-Federal Exchange Parcel
- Development Area Boundary
- 30 Acre (Minimum) Lots
- Wetlands
- Habitats and Historic Expeditions
- Forest Service Road 391
- Proposed Development Roadway
- U.S. Highway 160
- Ski Area Special Use Permit Boundary
- Existing Alberta Ski Lift

Rio Grande National Forest

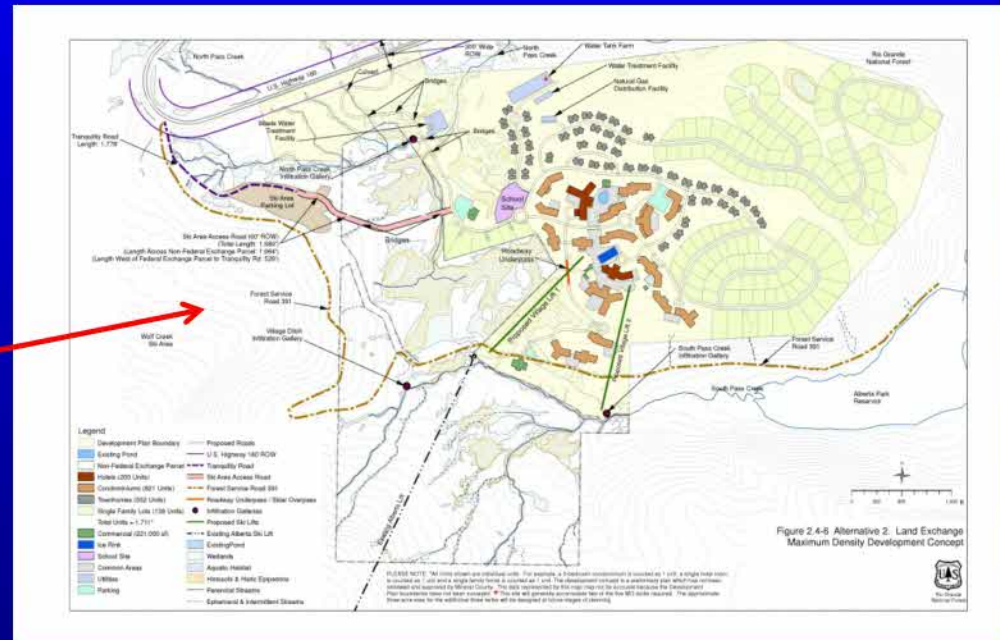


Figure 2.4-6 Alternative 2, Land Exchange Maximum Density Development Concept



# Alternative 3

- ANILCA access – Would include the same analysis for minimum to maximum development scenarios

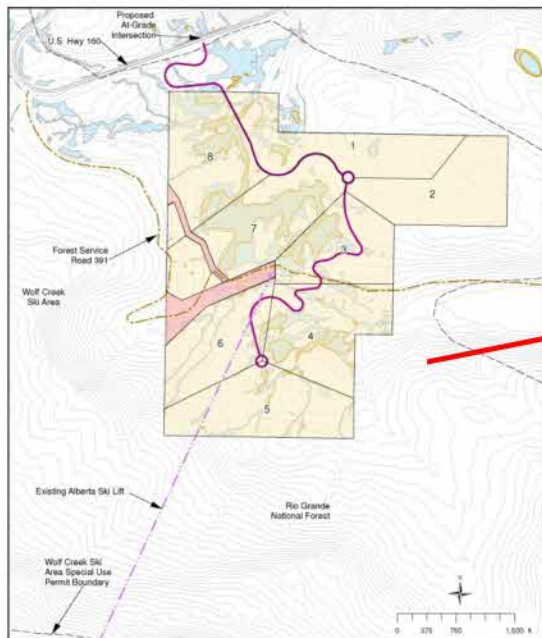


Figure 2.4-7 Alternative 3.  
ANILCA Road Easement  
Low Density Development Concept

Legend

- Private Land Parcel
- 35 Acre (Minimum) Lots
- Ski Area Property
- Wetlands
- Historic and Historic Epipedons
- Proposed Development Roadway
- Forest Service Road 391
- U.S. Highway 160
- Ski Area Special Use Permit Boundary
- Existing Alberta Ski Lift



Figure 2.4-9 Alternative 3.  
ANILCA Road Easement  
Maximum Density Development Concept

## ***Other Considerations***

- CDOT has concerns on U.S. Highway 160 traffic volume with the ski area traffic.
- FWS has concerns with Canada lynx take.

(b)(5), Deliberative Process Privilege



# ***Final Thoughts***

Internal Pre-Decisional Review  
(PROJECT NAME)  
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Instructions:

- In the header, enter your name, followed by initials in parentheses, and your title
- Do not fill in the “Assigned to” column. That will be used by the Forest to assign an IDT member to the issue.
- Enter your initials for each comment, ensuring that comments can be associated with the reviewer providing them following assimilation of all comments into a single table
- If you have general or overarching comments, they may be numbered and entered above the table under “General Comments”
- The column that states Resolution of RO comment will be filled in by the Forest as they resolve your comment. This line should remain blank on your sheet.

Date: 06/21/2012  
Reviewer and Title: Negussie Tedela, Hydrologist  
Staff/Office: SLVFO

General Comments:

Assigned to <sup>1</sup>	Commenter Initials	Page, Para	Issue or Problem	Commenter Suggested Solution	RESOLUTION COMPLETED BY SNF
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	NT				



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